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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Peter T. McCarthy  
Appl. No. : 10/712,085  
Filed : November 13, 2003  
For : HIGH EFFICIENCY  
HYDROFOIL AND SWIM FIN  
DESIGNS  
Examiner : Jesus D. Sotelo

Group Art Unit: 3617

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. § 3.73(b), Petitioner Peter T. McCarthy, an individual, represents that he is the owner of the entire right, title and interest in the above-captioned patent application by virtue of his sole inventorship of the subject matter disclosed and claimed therein.

Petitioner also represents that he is the owner of the entire right, title and interest in and to U.S. Patent No. 6,146,224 and U.S. Patent No. 6,482,059 by virtue of his sole inventorship of the subject matter disclosed and claimed therein.

Petitioner hereby disclaims, except as noted below, the terminal portion of any patent granted on the above-captioned application, which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173, as presently shortened by any terminal disclaimer, of the first to expire of U.S. Patent No. 6,146,224 and U.S. Patent No. 6,482,059 and hereby agrees that any patent so granted on the above-captioned application shall be enforceable only for and during such period that legal title to said patent shall be the same as legal title to U.S. Patent No. 6,146,224 and U.S. Patent No. 6,482,059. This agreement extends to any patent granted on the above-captioned application, and binds Petitioner's successors and assigns.

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In making the above disclaimer, Petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of the first to expire of U.S. Patent No. 6,146,224 and U.S. Patent No. 6,482,059, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,146,224 or U.S. Patent No. 6,482,059 later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all its claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned Attorney for Petitioner verifies that he is authorized to take this action on behalf of Petitioner.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Jan. 12, 2004

By: Mark J. Kertz

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